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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,546	12/22/2000	Nathan H. Jorgenson	9D-EC-19585 - Jorgenson	6866

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ENRIQUE J. MORA  
BEUSSE, BROWNIEE, BOWDOIN & WOLFER, P.A.  
390 NORTH ORANGE AVENUE, SUITE 2500  
ORLANDO, FL 32801

EXAMINER

WEBB, JAMISUE A

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/742,546

Applicant(s)

JORGENSEN, NATHAN H.

Examiner

Jamisue A. Webb

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Reference number 10. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 4, 5, 9-11 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. With respect to Claims 4 and 9:

With respect to the phrase: "comparing said exceptions and/or notations relative to data stored in said database". It is unclear if this is the updated package slip data, or the supplier data?

With respect to the phrase "updating database on said server": Claim 1 never said the database was located on the server, the packing slip data was stored on the server, but it was never claimed that the database was on the server, therefore it is unclear what this phrase is referring to.

With respect to the phrase “printing a new bar-coded packing slip based on said exceptions and/or notations; attaching said printed new bar-coded packing slip to a modified product shipped”: It is unclear if the product is actually modified to match the packing slip, or if the packing slip is modified to match the product.

5. Claims 5 and 10 recite the limitation "said packing slip information". There is insufficient antecedent basis for this limitation in the claims.
6. With respect to Claim 11 and 14: these claims are drawn to a web-enables system (or an apparatus claim), yet they recite the method steps of “attaching said printed packing slip....”, “verifying said printed packing slip...”, “shipping and delivering...”, and “verifying said printed new bar-coded”, which are method steps. Therefore it is unclear if this is a method claim or a system (apparatus) claim.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims , 4-6, 9-11, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wojcik et al. (5,758,329) in view of Knoll et al. (3,155,234).
9. With respect to Claims 1, 4, 6, 9, 11, and 14: Wojcik discloses the use of a system for managing customer orders. The system includes a software program on a PC platform (column 4, lines 25-27), which takes purchase orders (or packing slip data) and enters and stores them

Art Unit: 3629

into a central customer order management function (column 4, line 59 to column 5, line 8). The orders then go to an order consolidation function, where they are compared to the supplier data to see if there is a full truckload or if the loads can be consolidated or not (column 8, line 16-37). The database is then updated with the order consolidation information as well as carrier selection information (column 10, lines 24-41). Once the order is now released a pick ticket (or packing slip) is printed (column 12, 21-33). The pick ticket is then verified by what is loaded onto the truck and exceptions/notations are entered (column 12, lines 45-49) and then compared to the order and information such as weight and quantity is then is then updated in the system and a Bill of Landing and Invoice is generated (column 12, lines 45-65). The order is then shipped to the customer where the contents are checked and any errors are reported to the supplier (column 13, lines 16-26).

10. Wojcik however fails to disclose the packing slip being attached to the product actually shipped. Knoll, discloses that it is well known in the art that packing slips as well as invoices travel with the products being shipped and discloses a secure envelope used to attach the shipping information, or invoice, directly to the package itself (column 1, lines 9-44). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the invoice of Wojcik be attached to the actual shipment as disclosed in Knoll, in order to attach the invoice so that it can be quickly and securely attached, and allows for immediate identification of the contents of the shipment. (see Knoll, column 1).

11. With respect to Claims 5, 10 and 15: See Column 13, line 38-39 and Column 15, lines 35-45.

Art Unit: 3629

12. Claims 2, 3, 7, 8, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wojcik and Knoll as applied to claim 1 above, and further in view of Spindler (5,509,538).

13. With respect to Claims 2, 3, 7, 8, 12 and 13: Wojcik discloses products on the pick ticket are located by SKU, however never specifically state they are bar-coded information not does Wojcik disclose that the data is retrieved by scanning the barcode. Spindler discloses that it is old and well known in the art that SKUs in fact are barcode type identifiers (column 1, lines 32-36) and discloses the identifying products is done by scanning a barcode SKU (column 5, lines 49-57). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have the SKUs of Wojcik be a barcode SKU and scanned for identification purposes, as disclosed by Spindler, in order to provide instant identifying information such as type, size and color of goods to the user (see Spindler, column 1, and column 5).

### *Conclusion*

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Savino et al. (6,015,167) discloses the use of an automatic printing of package slip data, after a purchase order is compared to supplier inventory, Berlin et al. (6,006,199) discloses the use of updating and comparison of purchase order information to supplier inventory, Chinchar et al. (6,675,178) discloses comparing and updating databases and server information, Teknekron Transportation Systems, Inc. (WO 91/07724) discloses the use of a shipment processing system, and IBM Technical Disclosure Bulletin (NN920220) discloses the use of a snipping method using invoices and bar-coded information for shipping.

Art Unit: 3629

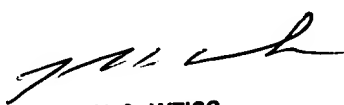
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Webb whose telephone number is (703) 308-8579.

The examiner can normally be reached on M-F (7:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
Jamisue Webb

  
JOHN G. WEISS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600